

## **10 General provisions and exceptions.**

The regulations set forth in this section qualify or supplement, as the case may be, the regulations appearing elsewhere herein.

1. Nothing herein shall prevent the strengthening or restoring to a safe condition of any part of a building or structure declared unsafe by the building inspector.

2. Nothing herein shall require any change in the plans, construction or designated use of any building for which a building permit has been issued before the effective date hereof and the construction of which from such plans shall have been begun within sixty days of the date of such permit, and which such entire building shall be completed according to such plans within one year from the effective date hereof.

3. Where the boundary line of a district divides a lot in a single or joint ownership of record on the effective date hereof, a use permitted on the less restricted portion of such lot may be extended into the more restricted portion for a distance not more than twenty-five feet beyond the district boundary line.

4. Subdivision development plan. The owner of any undeveloped land not less than ten acres in area may submit to the planning commission a complete development plan for such area showing proposed streets, parks and other public or private open spaces, together with a proposed building plan indicating the location of various types of dwellings and other buildings serving the local community, the maximum number of families to be housed, the minimum yard requirements and proposed building lines. Such development plan, if approved by the planning commission, after public notice and hearing, shall be construed to modify and supplement the regulations herein as related to the land included in such subdivision. Such plan shall not be approved unless in the judgment of the planning commission the general standard of housing and living conditions will not be inferior to those that would result if the general regulations herein were in full force, and the development plan is consistent with the general welfare.

5. Restriction of rear dwellings. No building shall be constructed or structurally altered for residential purposes unless the lot upon which it is located has frontage of at least twenty-five feet on a street or unless such lot has an unobstructed private easement or right of way of at least twenty-five feet width extending to a street.

6. Accessory uses in residence districts. A use accessory to a use permitted in a residence district shall be permitted. A store, trade or business shall not be deemed an accessory use, except that the office of a physician, dentist or other professional person may be located in his private residence, and home occupations as defined herein shall be permitted. No accessory building located in the rear of the main building on the same lot shall be used for residence purposes except by a member of the family residing in the main building, or by persons employed on the premises.

In any residence district a detached private garage or other accessory building shall not be erected on the front one-half of the lot and shall not be nearer the main building than five feet. Such garage shall be set back not less than five feet from an alley from which it has a direct entrance. Such garage or other accessory building shall not be nearer than three feet to the side line of a lot, provided that in the case of a corner lot, such building shall not be nearer the side street than the depth of front yard required on the lot adjoining the corner lot and in the rear thereof or separated therefrom by an alley.

7. On through lots the front yard requirements shall apply to both street frontages except as otherwise provided herein.

8. In any residence district, or in the case when the primary use of the main building is a residential dwelling, an accessory building shall not exceed twenty feet in height or the height of the main

building, whichever is less. Such an accessory building may occupy not more than thirty percent of a required rear yard. In all other districts an accessory building, in which the main building is not a residential dwelling, shall not exceed the maximum allowable building height for such district.

9. Any lot separately owned and shown of record on the effective date hereof, and having less area than required herein, and where the owner does not own any adjoining land, may be occupied by not more than one family; provided, however, that the yard requirements shall not be reduced except by order of the board of adjustment as hereinafter provided.

10. In any block in a residence district between two intersecting streets where forty percent or more of the frontage is improved with dwellings on the effective date hereof and the average depth of the existing front yards of such dwellings is less than the minimum front yard prescribed by other provisions of this ordinance, then the front yard required for buildings hereafter erected shall be not less than such average depth of such existing front yards, but shall be at least ten feet in any case.

11. All building and site lighting shall comply with Sheridan City Code Chapter 23 Article IV, Street and Site Lighting.

12. An unenclosed one-story porch or terrace may project not more than eight (8) feet into a required front yard, and bay windows and enclosed vestibules may project not more than five (5) feet into a required front yard. An unenclosed one-story porch may extend not more than six (6) feet into a required rear yard.

13. Cornices, eaves and chimneys may project not more than eighteen (18) inches into a required yard. Steps, open fire escapes, and the ordinary projections of chimneys, belt courses, sills and other ornamental features may project into any yard; provided no fire escape shall be nearer a side lot line than two (2) feet.

14. The building height limitations shall not apply to church spires, belfries, domes, cupolas, monuments, water towers, stacks, grain elevators, flag poles, radio towers or airway beacons, nor to any elevator bulkhead, water tank or similar structure extending above the roof and not occupying more than twenty-five (25) percent of the roof area.

15. A multiple-family dwelling in the R-3 Residence District or districts of lower classification may substitute a court in lieu of the rear yard for the district in which dwelling is located, provided that the area of the court be not less than the area of the required rear yard and provided that the court shall be open for the entire height of the building.

16. Whenever off-street parking facilities are required by the provisions of the ordinance, the number of parking spaces to be provided for each use shall be determined on the basis of the number of parking spaces required for each unit of area or occupancy listed on the following schedule:

<i>Use</i>	<i>Spaces</i>	<i>Unit</i>
Elementary school	2	per classroom
Junior high school	4	per classroom
High School	8	per classroom
Churches	1	per five seats
Home occupations	2	
Single family	2	per dwelling unit
Two family	2	per dwelling unit
Multiple family	1.5	per dwelling unit
Hospitals	1	per bed
Convalescent, nursing and other health homes and institutions, homes for aged, children's homes and welfare or correctional institutions	1	Per three beds, plus one additional space per employee
Office and institution	1	per 350 sq. ft. of floor space
Rooming house	1	per 3 sleep unit
Motels and hotels	1	per sleeping unit
Restaurant	1	per 2.5 seats
Service stations	1	per 50 sq. ft.—Min. 6
Mental and dental clinics	1	per 100 sq. ft. of floor space
Automobile sales, service garages	1	per 700 sq. ft. of floor space
Banks, post office, business and professional offices	1	per 300 sq. ft. of floor space
Bowling alleys	5	per alley

<i>Use</i>	<i>Spaces</i>	<i>Unit</i>
Dance halls and assembly hall without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditorium	1	per each 200 sq. ft. used for assembly or dancing
Funeral homes and mortuaries	1	per 80 sq. ft. of floor area
Furniture and appliance stores, household equipment, or furniture repair shop	1	per 500 sq. ft. of floor area
Personal service establishments	1	per 80 sq. ft. of floor area
Retail stores and shops	1	per 200 sq. ft. of floor area
Sports arena, auditoriums, theaters and assembly halls	1	per each 3.5 seats
Wholesale establishments	1	per 2 employees or per 1,000 sq. ft.
Commercial and industrial	1	per 1,000 sq. ft. of gross floor area
Mobile home parks	2	per trailer

17. Fences, walls, hedges and bushes. The height of fences, walls, hedges and bushes located within required rear yards, including the rear yards of through lots, and within required side yards is restricted to seventy-two inches. The height of fences, walls, bushes and hedges within required front yards is restricted to forty-eight inches; provided, however, in order to provide clear visibility at street intersections, no fence, wall, bush or hedge shall be permitted within the triangular area at any street intersection corner formed by the intersecting street curb lines and a diagonal line joining said curb lines at points which are thirty feet distant, measured along said curb lines, from their projected point of intersection.

17.1. No fence, wall, bush or hedge shall be erected between a fire hydrant and an adjacent street, nor within three feet of any fire hydrant. No fence, wall, bush or hedge shall be erected within five feet of any constructed or proposed curb line. No single strand or barb wire shall be used, except when added as security wire to fences or walls which are at least seventy-two inches in height. Fences, walls, bushes, or hedges erected within the public right-of-way are subject to removal at any time if required.

18. All child care facilities as defined herein are required to be licensed by the state of Wyoming and located in the city's land use zones as follows:

- (a) Family Child Care Home (FCCH), all zoning districts.
- (b) Family Child Care Center (FCCC), all zoning districts.

(c) Child Care Center (CCC), R-3, B-1, B-2, M-1 districts.

(d) Multiple Location Facility (MLF/FCCC; MLF/CCC), R-3, B-1, B-2, M-1 districts.

(e) Educational facilities, not including kindergartens or other facilities licensed by the State of Wyoming Department of Education, will be zoned according to the above day care designations based upon the number of children attending (i.e., three but no more than fifteen children, all zoning designations; 16 or more children, zones B-3, B-1, B-2 and M-1).

Advertising signs for child care facilities in residential districts are limited to one identification sign not more than one square foot in area. No display from the exterior that the building is used for any purpose other than a dwelling. Signing in all zoning districts must comply with all applicable sections of the City Code.

One paved off-street parking space must be provided for each non-resident employee of the child day care facility.

Applicant/operator of child care facilities must obtain initial and annual inspection of the facility from the office of the city fire marshal.

19. (a) All structures or portions of structures existing at the time of the passage of this ordinance in the airport influence area shall remain exempt from the height restriction requirements.

(b) No structure shall be erected or altered, and no tree shall be allowed to grow in any zone to a height in excess of the applicable height herein established for each zone as defined below:

(A) Precision Instrument Runway Approach Zone. The Precision Instrument Runway Approach Zone applies to Runway 32 as displayed on the Airport Influence Area Map. This zone slopes fifty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward for forty feet horizontally for each foot vertically to an additional distance of 40,000 feet along the extended runway centerline. The inner edge of this approach zone coincides with the width of the primary surface and is 1000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the centerline of the runway extended.

(B) Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone. The Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone applies to Runway 14 as displayed on the Airport Influence Area Map. This zone slopes thirty-four feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. The inner edge of this approach zone coincides with the width of the primary surface and is 1000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the centerline of the runway extended.

(C) Runway Larger Than Utility Visual Approach Zone. The Runway Larger Than Utility Visual Approach Zone applies to Runway 5 and Runway 23 as displayed on the Airport Influence Area Map. This zone slopes twenty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5000 feet along the extended runway center line. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone extends outward uniformly to a width of 1,500 feet at a horizontal distance of 5000 feet from the primary surface. Its centerline is the centerline of the runway extended.

(D) Transition Zone. Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface, and extending to a height of one hundred fifty feet above the airport elevation. In addition to the foregoing, there are established height limitations sloping seven feet outward for each foot upward beginning at the side of and sides of and at the same elevation as the approach surface extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects through and beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of 5000 feet from the edge of the instrument approach zone measured to the extended runway centerline.

(E) Horizontal Zone. Established at 150 feet above the established airport elevation.

(F) Conical Zone. Slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(G) Excepted Height Limitation. Nothing in this ordinance shall be construed as prohibiting the construction or maintenance of any structure to the maximum height allowed by the applicable zone as per Appendix A (Zoning) of the Sheridan City Code within the Airport Influence Area, or growth of any tree to a height up to fifty feet above the surface of the land.

## 20. Procedures and Requirements for Approval of New Construction and Substantial Improvements in Entryway Corridors.

20.1. All sites or portions thereof, which are located within any Entryway Corridors, as defined herein in Section 2., Definitions. Shall be subject to the following requirements:

20.1.1. Cell towers and other kinds of tall communication towers shall not be allowed within Entryway Corridors.

20.1.2 through 20.1.5.11. Deleted.

20.1.6. Landscaping should use native, drought tolerant species whenever possible and be properly maintained.

20.2. Interstate Corridors as defined in Section 2 of this Code, are typified by open vistas, storage and a variety of uses, many of which uses present rear yard vistas to travelers on the Interstate. The following standards apply to properties within this area:

20.2.1. All new development, substantial improvement and redevelopment on sites located within an Interstate Corridor shall be consistent with the following:

20.2.1.1. All non-residential construction which is visible from I-90 shall:

20.2.1.1.1. Be designed so that any loading docks, mechanical systems and waste disposal and storage areas, including dumpsters, shall be screened from view. Screening may consist of landscaping which is designed to be at least 90% opaque at maturity, decorative walls and landscaping, opaque fencing or other means that meets the intent of this Entryway ordinance.

20.2.1.1.2. Rear and side facades that face the Interstate or adjacent roadways and facades that are visible to passing motorists and/or pedestrians shall include design features that are similar to the front facade of the building.

20.2.1.2. Commercial or industrial storage areas shall be screened along the side facing I-90. Such

screening shall include landscaping designed to screen at least 80% of such storage. Landscaping may be supplemented by opaque fencing and/or decorative walls to screen such storage areas which may count for up to 50% of this screening requirement.

20.3. Junction Corridors. New, non-residential and multi-family development, site re-development and substantial improvements within the Junction Corridors shall be designed to meet guidelines for building and site design.

20.3.1. Procedures for Design Review in Junction Corridors. All new development and redevelopment that meets the criteria for Substantial Improvement shall be required to submit detailed facade drawings to the Design Review Board. Requests for building and site review along with recommendations by the Design Review Board shall be reviewed and approved by the Planning Commission of the City of Sheridan prior to building permit approval for any such project.

Project review shall undergo the collaborative process as described in Section 15, with the goal of ensuring compatibility of design with community character, protecting land values of adjacent development and ensuring business viability during the collaborative process.

20.3.2. Design Review Guidelines for New Development, and Redevelopment Involving Substantial Improvement. The following design elements shall guide the Design Review Board in reviewing new multi-family, commercial and industrial projects and to existing commercial and industrial projects for which redevelopment meeting Substantial Improvement thresholds is requested.

20.3.2.1. All solid areas of facades, except those that are entirely invisible to passing motorists and pedestrians, shall include 85% natural wood, stone, brick or other natural or natural-looking building materials that are indistinguishable from natural materials and shall be of natural shades and colors.

20.3.2.2. Roofs shall be gabled, clipped-gabled, hipped, sheds, flat roofs with facades that implement parapets for variety, cross-gabled or other design. Flat roofs and unbroken hipped or pyramid or other non-traditional roof shapes shall not generally be allowed. Visible roof pitch shall be no less than 4:12.

20.3.2.3. Rooflines over 50 feet long shall be broken with gables, cupolas or other modulation, to avoid long, unbroken expanses of roof lines.

20.3.2.4. Roof soffits, when present, shall be no less than 12 inches deep.

20.3.2.5. Signage should be constructed of natural or natural-looking materials similar or complimentary to those materials used on the building facades.

20.3.2.6. Any concrete retaining walls constructed on a site shall be covered with natural-looking materials or stamped to look like natural material and may be screened with plantings.

20.3.2.7. Buildings over two stories in height are encouraged to stagger stories, vary the width of stories, and/or provide modulation to avoid large, unbroken expanses of flat planes.

20.3.2.8. Appurtenances such as porches, balconies, or other features are encouraged and should be of wood or wrought iron or painted to appear to be made of natural materials when possible and appropriate.

20.3.2.9. Support pillars or columns should be made of, or appear to be made of, natural materials.

20.3.2.10. Landscaping shall be provided on site to screen and/or break up long expanses of facade that are visible to passing motorists. Large buildings may require a berm and groups of trees to break up the appearance of bulk and size. Decorative walls or fencing may be used in conjunction with landscaping in appropriate areas.

20.3.2.11. Landscape buffer(s) shall be required along any roadway. Whenever possible, one (1) tree

per every thirty (30) linear feet of road frontage, or portion thereof, shall be planted in the buffer area. New trees shall have a caliper of no less than 2" at planting. A credit of two trees shall be given for every one healthy, mature, tree preserved within the buffer area onsite.

20.3.2.12. Whenever possible, onsite mature trees shall be preserved and native, drought-resistant landscape materials shall be used for all landscaping.

20.3.2.13. In parking over 25 spaces, landscape islands will be required between every 15 spaces to break up the appearance of a large expanse of asphalt.

20.3.2.14. Rear and side facades that face the Interstate or adjacent roadways shall include design features similar to the front facade of the building. Facades that are visible to passing motorists and/or pedestrians shall not be blank walls.

20.3.2.15. Parking lot lighting shall meet the requirements of this Code.

20.3.2.16. Lighting in entrances to sites and in areas along the front facade of buildings shall be similar in appearance to historic downtown Sheridan lighting and be designed with safety and security measures in mind for guests using the parking lot.

20.3.2.17. Pedestrian walkways and entrance areas, when included in site design, shall be consistent with the concrete design and color used in historic downtown Sheridan.

20.4. Roadway Corridors. A defining characteristic of Roadway Corridors is the open streetscapes that remain in the City. Typically, uses are set well back from the road and old, native vegetation remains in these areas. The following criteria are designed to maintain that open look as these Entryway Corridors develop.

20.4.1. All new non-residential construction located within a Roadway Corridor shall meet the following criteria:

20.4.1.1. A ten feet landscape buffer shall be installed along the street frontage of any new construction and, whenever possible, in conjunction with any substantial improvement project. Landscaping shall consist of no less than one tree per thirty linear feet of road frontage, or portion thereof, and shall include grass and shrubs or hedges to fill in the buffer. Healthy, mature, trees preserved within the landscape buffer onsite shall be credited as two trees. Native, drought-tolerant species are recommended to provide shelter for native species and to conserve water. Trees shall be no less than two inches caliper at planting.

20.4.1.2. Access to the Roadway Corridor shall be limited. New construction shall be limited to one access per 100 feet of road frontage. In the case of a commercial subdivision, indirect access shall be provided through construction of a new street. Cross access easements with adjacent commercial businesses are required whenever possible.

20.4.1.3. Signage shall meet the requirements of section 20.1.5 of this ordinance and shall be located within the landscape buffer area.

20.4.2. All new residential development, with the exception of a single-family home on one lot of record, shall meet the following criteria:

20.4.2.1. Direct access to lots from the Roadway Corridor for new and re-platted residential subdivisions shall be prohibited. All new and re-platted subdivisions or common areas in subdivisions shall have indirect access only.

20.4.2.2. All new and re-platted subdivisions shall provide a minimum twenty-foot landscape buffer along the Roadway Corridor. Whenever possible, common areas such as golf courses or parks shall be located along the Roadway Corridor. Open streetscapes and existing native trees shall be preserved as



much as possible.

21. Procedures and Requirements for Approval of Adult Oriented Businesses. All proposals for adult oriented businesses shall meet the following criteria:

21.1. *Location.* No adult oriented business shall be located closer than one thousand feet to any residentially zoned property, church, school, or child caring facility. Measurement of distance shall be from property line to property line along the shortest distance between property lines, without regard to the route of normal travel.

21.1.1. No adult oriented business shall be located within one thousand feet of another adult oriented business.

21.1.2. Subsequent to its establishment in a permitted location under this section, an adult oriented use operating as a conforming use shall not be rendered non-conforming by the location of a church, school or child caring facility within one thousand feet of the adult oriented business, nor will subsequent rezone of property within one thousand feet of the adult oriented use cause such use to become non-conforming.

21.2. *Hours of Operation.* No adult oriented business may remain open at any time between the hours of one o'clock a.m. and eight o'clock a.m. on weekdays and Saturdays, and one o'clock a.m. and twelve o'clock p.m. (noon) on Sundays.

21.3. *Building Design, Layout and Signage.* Structures for adult oriented businesses must meet the following criteria:

21.3.1. Exterior design shall be unobtrusive in shape and color.

21.3.2. Deleted.

21.3.3. No sign shall contain any reference to "sex," "xx," "xxx," "nude," "orgasm" or any related words that describe specific anatomical areas or which could cause offense to minors and/or neighboring businesses.

21.3.4. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area on the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video-viewing equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection shall be by direct line of sight from the manager's station.

21.3.5. No adult media shall be displayed publicly such that it is visible to motorists or pedestrians.

21.3.6. Any adult cabaret, lingerie modeling studio or adult theater shall have one or more separate areas designated as a stage in the diagram submitted as part of the building permit application. The stage shall be fixed and immovable, and it shall be at least two feet above the floor. No seating for the audience shall be permitted within three feet of the edge of the stage.

21.3.7. Paved parking and access shall be provided and shall be adequately lighted. (Ord. No. 1269, § 6, 7-8-74; Ord. No. 1617, § 1, 12-16-85; Ord. No. 1641, §§ 1, 2, 7-20-87; Ord. No. 1658, § 1, 11-7-88; Ord. No. 1676, § 2, 10-15-90; Ord. No. 1726, § 1, 7-5-93; Ord. No. 1843, § 1, 11-1-99; Ord. No. 1871, § 2, 1-2-01; Ord. No. 1875, § 4, 4-16-01; Ord. No. 1890, § 2, 11-5-01; Ord. No. 1916, 5-5-03; Ord. No. 1931, 8-4-03; Ord. No. 1957 § 1, 1-17-05; Ord. No. 1995, § 3, 4-17-06; Ord. No. 2067 § 1, 5-18-09.)